

January 27, 2009

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## HOUSE JOINT RESOLUTION No. 6

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DIGEST OF HJ 6 (Updated January 27, 2009 2:12 pm - DI 84)

**Citations Affected:** Articles 5 and 6 of the Indiana Constitution.

**Synopsis:** Combination of offices of auditor and treasurer. Combines the offices of treasurer of state and auditor of state into the office of the state controller. This proposed amendment has not been previously agreed to by a general assembly.

**Effective:** This proposed amendment must be agreed to by two consecutive general assemblies and ratified by a majority of the state's voters voting on the question to be effective.

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**Bartlett**

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January 13, 2009, read first time and referred to Committee on Government and Regulatory Reform.  
January 27, 2009, reported — Do Pass.

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HJ 6—HJ 9222/DI 75+



January 27, 2009

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

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## HOUSE JOINT RESOLUTION No. 6

A JOINT RESOLUTION proposing an amendment to Articles 5 and 6 of the Indiana Constitution concerning state offices and administration.

*Be it resolved by the General Assembly of the State of Indiana:*

- 1 SECTION 1. The following amendment to the Constitution of the
- 2 State of Indiana is proposed and agreed to by this, the One Hundred
- 3 Sixteenth General Assembly of the State of Indiana, and is referred to
- 4 the next General Assembly for reconsideration and agreement.
- 5 SECTION 2. ARTICLE 5, SECTION 10 OF THE CONSTITUTION
- 6 OF THE STATE OF INDIANA IS AMENDED TO READ AS
- 7 FOLLOWS: Section 10. (a) In case the Governor-elect fails to assume
- 8 office, or in case of the death or resignation of the Governor or the
- 9 Governor's removal from office, the Lieutenant Governor shall become
- 10 Governor and hold office for the unexpired term of the person whom
- 11 the Lieutenant Governor succeeds. In case the Governor is unable to
- 12 discharge the powers and duties of the office, the Lieutenant Governor
- 13 shall discharge the powers and duties of the office as Acting Governor.

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(b) Whenever there is a vacancy in the office of Lieutenant Governor, the Governor shall nominate a Lieutenant Governor who shall take office upon confirmation by a majority vote in each house of the General Assembly and hold office for the unexpired term of the previous Lieutenant Governor. If the General Assembly is not in session, the Governor shall call it into special session to receive and act upon the Governor's nomination. In the event of the inability of the Lieutenant Governor to discharge the powers and duties of the office, the General Assembly may provide by law for the manner in which a person shall be selected to act in the Lieutenant Governor's place and declare which powers and duties of the office such person shall discharge.

(c) Whenever the Governor transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives the Governor's written declaration that the Governor is unable to discharge the powers and duties of the office, and until the Governor transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Lieutenant Governor as Acting Governor. Thereafter, when the Governor transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives the Governor's written declaration that no inability exists, the Governor shall resume the powers and duties of the office.

(d) Whenever the President pro tempore of the Senate and the Speaker of the House of Representatives file with the Supreme Court a written statement suggesting that the Governor is unable to discharge the powers and duties of the office, the Supreme Court shall meet within forty-eight hours to decide the question and such decision shall be final. Thereafter, whenever the Governor files with the Supreme Court the Governor's written declaration that no inability exists, the Supreme Court shall meet within forty-eight hours to decide whether such be the case and such decision shall be final. Upon a decision that no inability exists, the Governor shall resume the powers and duties of the office.

(e) Whenever there is a vacancy in both the ~~office~~ **offices** of Governor and Lieutenant Governor, the General Assembly shall convene in joint session forty-eight hours after such occurrence and elect a Governor from and of the same political party as the immediately past Governor by a majority vote of each house. If either house of the General Assembly is unable to assemble a quorum of its members because of vacancies in the membership of that house, the General Assembly shall convene not later than forty-eight hours after a sufficient number of the vacancies are filled to provide a quorum of

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members for that house.

(f) An individual holding one (1) of the following offices shall discharge the powers and duties of the Governor if the office of Governor and the office of Lieutenant Governor are both vacant, in the order listed:

(1) The Speaker of the House of Representatives.

(2) The President pro tempore of the Senate, if the office described in subdivision (1) is vacant.

(3) The ~~treasurer of State~~ **Controller**, if the offices described in subdivisions (1) and (2) are vacant.

~~(4) The auditor of state, if the offices described in subdivisions (1) through (3) are vacant.~~

~~(5) (4)~~ The Secretary of State, if the offices described in subdivisions (1) through ~~(4)~~ **(3)** are vacant.

~~(6) (5)~~ The State Superintendent of Public Instruction, if the offices described in subdivisions (1) through ~~(5)~~ **(4)** are vacant.

(g) An individual's authority to discharge the governor's powers and duties under subsection (f) ends when the general assembly fills the office of governor under this section.

SECTION 3. ARTICLE 6, SECTION 1 OF THE CONSTITUTION OF THE STATE OF INDIANA IS AMENDED TO READ AS FOLLOWS: Section 1. **(a)** There shall be elected, by the voters of the state, a Secretary ~~an Auditor and a Treasurer of State who shall, severally, hold their offices for~~ **and a State Controller.**

**(b) The term of office for each of the offices established by this section is four years. They**

**(c) The Secretary of State and the State Controller** shall perform such duties as may be enjoined by law. ~~and no~~

**(d) A person shall be is not** eligible to ~~either of said offices; the office of Secretary of State or the office of State Controller~~ more than eight years in any period of twelve years.

SECTION 4. ARTICLE 6, SECTION 5 OF THE CONSTITUTION OF THE STATE OF INDIANA IS AMENDED TO READ AS FOLLOWS: Section 5. (a) The Governor, ~~and the Secretary Auditor, and Treasurer of State, and the State Controller~~ shall severally keep the public records, books, and papers, in any manner relating to their respective offices, at the seat of government.

(b) The Governor shall reside at the seat of government.

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Government and Regulatory Reform, to which was referred House Joint Resolution 6, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said resolution do pass.

TYLER, Chair

Committee Vote: yeas 9, nays 3.

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